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Atty. Dkt. No. 041194-0110

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Birgit C. HOFMANN

Title: NEW GUINEA IMPATIENS PLANT NAMED 'FISUPNIC MAPINK'

Patent. No.: PP16,222

Grant Date: January 31, 2006

Appln. No.: 10/829,221

Filing Date: April 22, 2004

Examiner: Wendy C. HAAS

Art Unit: 1661

**Certificate  
FEB 16 2006  
of Correction**

**REQUEST FOR CERTIFICATE OF CORRECTION  
PURSUANT TO 37 C.F.R. § 1.323**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed, in duplicate, is a Certificate of Correction, Form PTO-SB/44, for United States Plant Patent Number PP16,222 issued January 31, 2006.

Also, enclosed is a copy of the Office of Petitions' Communication dated July 14, 2005, which on the second page states

**After issuance of the instant application into a patent, the Certificate of Corrections Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for certificate of correction (and fee) which sets forth FLORFIS AG, BINNINGEN, SWITZERLAND, as the assignee.**

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Further, Applicant submits that the noted error does not constitute new matter, and correction therefore would not require reexamination.

Pursuant to 37 C.F.R. §1.323, Applicant requests that the enclosed Certificate of Correction be approved.

Since the noted error is not the fault of the Patent Office, the Commissioner is hereby authorized to charge the required fee of \$100.00, as well as any additional fees which may be required for this Request, to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 10, 2006

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

By Richard C. Peet

Richard C. Peet  
Attorney for Applicant  
Registration No. 35,792

FEB 16 2006

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UNITED STATES PATENT AND TRADEMARK OFFICE



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Alexandria, VA 22313-1450  
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**OFFICE OF PETITIONS**

In re Application of :  
Birgit C. Hofmann : DECISION DISMISSING PETITION  
Application No. 10/829,221 : UNDER 37 CFR 3.81(b)  
Filed: 22 April, 2004 :  
Atty Docket No. 041194-0110 :

This is a decision on the petition, filed on 27 May, 2005, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the assignee's country of residence on the Fee(s) Transmittal form PTOL-85(b).

The request is dismissed.

Petitioner states that the correct assignee's country of residence is Switzerland, and that an incorrect country was unintentionally specified on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to FLORFIS AG, BINNINGEN, SWITZERLAND.

37 CFR 3.81(b), effective June 25, 2004, reads:

*After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a

<sup>1</sup> See Official Gazette of June 22, 2004

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certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(a), the request cannot be granted.

A review of Office database assignment records reflects that an assignment to FLORFIS AG, BINNINGEN, SWITZERLAND has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that FLORFIS AG, BINNINGEN, SWITZERLAND was the assignee of record at the time of issuance of the instant application into a patent. Note also 35 U.S.C. § 152.

(\*) In view of the above and after issuance of this application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth FLORFIS AG, BINNINGEN, SWITZERLAND, as the assignee. No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision must accompany the request for a Certificate of Correction.

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, as this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Alternatively, if petitioner desires to have the correct assignee data appear on the front page of the Letters Patent, petitioner may wish to consider filing a petition to withdraw the subject application from issue under 37 CFR 1.313(c)(2). The petition to withdraw from issue under 37 CFR 1.313(c)(2) must be accompanied by a request for continued examination (RCE) and submission (which may be a request under 37 CFR 3.81(b)).

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Application No. 10/829,221

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3231.

After the submission by petitioner of the request for a certificate of correction to correct the assignee data on the front page of the Letters Patent, any questions pertinent thereto should be directed to the Certificates of Correction Branch at (703) 305-8309.

*D Wood*

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

FEB 17 2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
(Also Form PTO-1050)

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

PATENT NO. : PP16,222  
APPLICATION NO. : 10/829,221  
DATED : January 31, 2006  
INVENTOR(S) : Birgit C. HOFMANN

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Please correct the Assignee (73): delete ~~(SE)~~ and insert (CH).

The corrected Assignee should read:

**FLORFIS AG, BINNINGEN (CH)**

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5143

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,

U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
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**UNITED STATES PATENT AND TRADEMARK OFFICE  
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Examiner: Wendy C. HAAS  
Art Unit: 1661

**COMMUNICATION REGARDING PATENT TERM ADJUSTMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In accordance with Applicant's duty of candor and good faith to the U.S. Patent and Trademark Office, Applicant notes that the one hundred thirty-three (133) days of patent term adjustment as indicated on the Letters Patent granted on January 31, 2006, for the above-captioned application disagrees with Applicant's own calculation of Patent Term Adjustment. It is hereby requested that the Patent Office verify the calculation of the Patent Term Adjustment for the present application.

Respectfully submitted,

Date February 10, 2006

By Richard C. Peet

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

Richard C. Peet  
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